

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-31815-2021
Decided on : 20.09.2021

Ashok

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shailender Kashyap, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.120 dated 27.04.2019 registered under Sections 363, 366-A IPC, 1860 (Sections 328, 342, 506, 34 IPC and Section 6 of POCSO Act added later on) at Police Station Jind Sadar District Jind.

Learned counsel for the petitioner *inter alia* contends that false allegations were levelled against the accused including the petitioner that they had enticed away the victim on the pretext of solemnizing marriage. He submits that the false implication of the petitioner in the crime in question finds credence from the fact that both the victim as well as her mother while stepping into the witness box did not support the case of the prosecution and were thus, declared hostile. A prayer has been made for extending the concession of bail to the petitioner as the petitioner has been in custody since 06.05.2019 and his further custody would not serve any purpose.

Per contra, learned State counsel has opposed the prayer of learned counsel for the petitioner. He, on instructions from ASI Yashveer has conceded that the two material witnesses i.e. victim and the complainant did not support the case of prosecution as a result of which they were declared hostile. He, however, submits that the doctor in the medico-legal report of the victim opined that the possibility of intercourse could not be ruled out. He has further apprised the Court that 8 out of 17 prosecution witnesses including the material witnesses stand examined.

Heard.

In the facts and circumstances as enumerated herein above and coupled with the fact that the petitioner has been in custody since 06.05.2019, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

20.09.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No